THE HON'BLE SRI JUSTICE N.V. RAMANA

-

Writ Petition No.18771 of 2005

Dated: 17.03.2006

Between:

Smt. Bhasyam Naga Kusuma Kumari, W/o late Rajkumar, resident of Bandivari Street, Savitrupeta, Tadepalligudem, West Godavari District.

..... PETITIONER

AND

The Commissioner of Police, Hyderabad District, at Basheerbagh, Hyderabad and another.

.....RESPONDENTS

THE HON'BLE SRI JUSTICE N.V. RAMANA

-

Writ Petition No.18771 of 2005

Order:

Questioning the action of the respondents in not releasing the death benefits of her husband and not considering her case for appointment on compassionate grounds, the petitioner filed the present writ petition.

The petitioner states that while she was working as Home Guard and Typist in the office of respondent No.1, the deceased Raj Kumar, who was working as a Senior Assistant in the same office, developed acquaintance with her and

subsequently their marriage had taken place in the year 1991 and during their wedlock they were blessed with two male children. Subsequently, she came to know that prior to the marriage with her, the deceased Raj Kumar was married to another woman and deserted her. She states that as the said Raj Kumar addicted to bad vices and started harassing her, she left the company of Raj Kumar and started living with her parents at Amalapuram and as she was unable to maintain herself and her children she filed M.C. No. 3 of 1995 on the file of the
I Additional Judicial Magistrate of First Class, Amalapuram, against her husband Raj Kumar for grant of maintenance, which was allowed. While the matter stood thus, her husband died on 15.04.2005 leaving behind her and her son as his legal heirs. Subsequent to the death of her husband, she approached the respondents and filed a representation dated 25.06.2005 for payment of death benefits of her husband and for providing employment to her on compassionate grounds, in vain. Hence, she filed the present writ petition.

Heard the learned counsel for the petitioner and perused the material on record.

The contention of the petitioner is that her marriage with the deceased Raj Kumar had taken place in the year 1991 and she is the legally wedded wife of Raj Kumar. The further contention of the petitioner is that subsequently she filed a maintenance case in M.C. No. 3 of 1995 on the file of the I Additional Judicial Magistrate of First Class, Amalapuram against the deceased Raj Kumar for grant of maintenance and the same was allowed granting maintenance to her and to her son. Hence, she is entitled to the retiral benefits of Raj Kumar. According to her own statement made in paragraph 4 of the writ affidavit, prior to marriage with the petitioner, said Raj Kumar was married to another woman and deserted her. There is no material before this Court whether the petitioner is legally wedded wife of the deceased Raj Kumar or not. At any rate, if the petitioner is the nominee of the deceased employee, certainly she will get the retiral benefits of the deceased Raj Kumar. Whether the petitioner is the nominee of the deceased employee and whether she is entitled to get the retiral benefits or not, are all matters to be examined and decided by the respondents in the light of the material produced by the petitioner, and she cannot straightaway approach this Court.

In the circumstances, the writ petition is devoid of merit and the same is accordingly dismissed. However, the petitioner is at liberty to file a representation

before the respondents with all relevant material and establish her case that she is entitled to retiral benefits of the deceased Raj Kumar. No costs.

_____

N.V. RAMANA, J.

Date: 17.03.2006

Nsr/Ksr